

R E M A R K S

Reconsideration of this application, as amended, is respectfully requested.

THE CLAIMS

Claim 6 has been added to recite display means for displaying an editing window, as supported by Fig. 6 and the corresponding disclosure in the specification at pages 33-37, for example, as well as to recite that the link release means cancels the link between the arbitrary audio data and the image data linked therewith which are stored in the first storage area, in response to an operation on the editing window, as supported by Fig. 8 and the corresponding disclosure in the specification at pages 41-43, for example.

In addition, new independent claim 7 has been added based on subject matter recited in independent claim 4 and new claim 6.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

THE PRIOR ART REJECTION

Claims 1 and 4 were rejected under 35 USC 103 as being obvious in view of the combination of USP 6,774,939 ("Peng"), US 2003/0055905 ("Nishiyama et al"), and US 2003/0011687 ("Imura

et al"), and claims 2, 3 and 5 were rejected under 35 USC 103 in view of the combination of Peng, Nishiyama et al and Imura et al with one of US 2003/0167287 ("Forster"), US 2003/0018777 ("Miller et al") and US 2002/0057457 ("Nozaki et al"), respectively. These rejections, however, are respectfully traversed.

The Examiner's withdrawal of the rejection in view of the combination of previously cited USP 5,262,877, Nishiyama et al and Imura et al, is respectfully acknowledged. The Examiner now asserts that Peng, in combination with Nishiyam et al and Imura et al, renders obvious the features of independent claims 1 and 4.

It is respectfully submitted, however, that the logical combination of Peng, Nishiyama et al, and Imura et al, clearly would not achieve or render obvious the data editing apparatus recited in independent claim 1, or the computer-readable storage medium having a data editing program stored thereon recited in independent claim 4.

More specifically, as recognized by the Examiner, Peng discloses linking audio data and image data, and storing the audio data and image data. As a storage area for storing audio data and image data linked thereto, the Examiner has merely referred to memory 120 of Peng. It is respectfully submitted, however, that Peng does not disclose first and second storage areas as recited in claims 1 and 4.

Indeed, the Examiner acknowledges that Peng does not disclose a second storage area to store only image data and no audio data. The Examiner also acknowledges that Peng does not disclose link release means as recited in claim 1, or canceling a link as recited in claim 4. For this reason, the Examiner has cited Nishiyama et al to supply the missing teachings of Peng.

It is respectfully pointed out, however, that according to Nishiyama et al, image data and sound data are stored in separate directories whether or not the sound data and the image data are linked. See Fig. 2 of Nishiyama et al, in which even though the sound data enclosed with a box is linked to image data (see paragraph [0025], for example), the sound data is stored in a separate directory (the "<Sound>" directory in Fig. 2) from the image data (which is stored in the "<Picture>" directory in Fig. 2).

Accordingly, it is respectfully submitted that the logical application of the disclosure relating to data storage in Nishiyama et al (which discloses storing sound data and image data in separate areas whether or not the sound and image data are linked) to Peng (which merely discloses a memory) would at best result in separate directories provided in the memory of Peng to store image data and audio data, whether or not the image and audio data are linked, as taught by Nishiyama et al.

Thus, the logical application of Nishiyama et al to Peng would clearly not result in both (i) a first storage area to store audio data and image data that is linked to a predetermined playback position of the audio data and (ii) a second storage area to store only image data and no audio data, as recited in independent claims 1 and 4.

The Examiner acknowledges, moreover, that even in view of the combination of Nishiyama et al and Peng as interpreted by the Examiner, the resultant combination still would not achieve moving means as recited in claim 1, or moving the image data as recited in claim 4. For this reason, the Examiner has cited Imura et al.

The portions of Imura et al referred to by the Examiner disclose moving image files to a "special" folder.

It is respectfully submitted, however, that since the logical combination of Nishiyama et al and Peng would not result in a first storage area and second storage area as recited in claims 1 and 4, the disclosure of Imura et al (moving files to a "special" folder) would not achieve the moving means of claim 1 or the moving function of 4, even if considered in combination with Nishiyama et al and Peng.

Indeed, Imura et al merely discloses moving a file, and it is respectfully submitted that Nishiyama et al, even if considered in combination with the other cited references, does

not contain any disclosure to suggest that the moving of the image data is related to the canceling of a link between audio data and image data. In fact, as pointed out above, Nishiyama et al merely discloses image data and sound data are stored in separate directories whether or not the sound data and the image data are linked. And it is respectfully submitted that the Examiner has not provided any reasoning to suggest how the disclosure of Imura et al would cause one of ordinary skill in the art to alter this structure of Nishiyama et al in a manner that would result in moving image data in relation to canceling a link between audio and image data.

Accordingly, it is respectfully submitted that independent claims 1 and 4 clearly patentably distinguish over Peng, Nishiyama et al and Imura et al, taken in any reasonable combination consistent with the respective fair teachings thereof.

It is respectfully submitted, moreover, that independent claim 7, which is based on subject matter recited in independent claim 4 and new claim 6, also clearly patentably distinguishes over Peng, Nishiyama et al and Imura et al, taken in any reasonable combination consistent with the respective fair teachings thereof.

In view of the foregoing, it is respectfully submitted that independent claims 1, 4 and 7, and claims 2, 3, 5 and 6 depending

from claim 1, all clearly patentably distinguish over Peng, Nishiyama et al and Imura et al, and all of the other cited references, taken in any reasonable combination consistent with the respective fair teachings thereof, under 35 USC 103.

* * * * *

Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.
220 Fifth Avenue - 16th Floor
New York, New York 10001-7708
Tel. No. (212) 319-4900
Fax No. (212) 319-5101

DH:iv/rjl